

# AUSTRALIAN PATENT OFFICE

## SEARCH REPORT

Applicant's or agent's file reference <b>KNOB/20501892/KC/NEN</b>		
Application No. <b>SG 200506106-4</b>	Application Filing Date ( <i>day/month/year</i> ) <b>23 March 2004</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>25 March 2003</b>
Applicant <b>Fancl Corporation (JP)</b>		

This search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☐ Certain claims were found unsearchable (See Box I)
2. ☐ Unity of invention is lacking (See Box II)
3. ☐ The application contains disclosure of a nucleotide and/or amino acid sequence listing and the search was carried out on the basis of the sequence listing
  - ☐ filed with the application
  - ☐ furnished by the applicant separately from the application,
  - ☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in application as filed
4. With regard to the title, ☒ the text is approved as submitted by the applicant.
  - ☐ the text has been established by this Office to read as follows:
5. With regard to the abstract, ☒ the text is approved as submitted by the applicant
  - ☐ the text has been established by this Office as it appears in Box III
6. The figure of the drawings to be published with the abstract is Figure No.
  - ☐ as suggested by the applicant.
  - ☒ 6 because the applicant failed to suggest a figure
  - ☐ because this figure better characterises the invention
  - ☐ None of the figures

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## SEARCH REPORT

Application No.

SG 200506106-4

### A. CLASSIFICATION OF SUBJECT MATTER

According to International Patent Classification (IPC)

Int. Cl.

A61K 36/28 (2006.01)

A61P 17/00 (2006.01)

A61K 8/49 (2006.01)

A61Q 19/08 (2006.01)

### B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the search (name of data base and, where practicable, search terms used)

DWPIL; MEDLINE; keywords- silybin, silydianin, silychristin, isosilybin, silymarin, skin, aging, collagen, elastin

### C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 300282 A1 (INDENA S.p.A) 25 January 1989.	1-7
E, X	JP 2004-091397 A (FANCYL CORPORATION) 25 March 2004.	1-7

☐ Further documents are listed in the continuation of Box C

☒ See patent family annex

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of submission of the request to the Australian Patent Office

19 January 2006

Date of completion of the search report

08 February 2006

Date of mailing of the search report

14 FEB 2006

Name and mailing address

AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
E-mail address: pct@ipaustalia.gov.au  
Facsimile No. 61 2 62853929

Authorised officer

GEOFFREY PETERS

**AUSTRALIAN PATENT OFFICE****SEARCH REPORT****PATENT FAMILY MEMBERS****Application No.****SG 200506106-4**Patent Document Cited in  
Search Report

Patent Family Member

EP 300282

JP 2948818

US 4895839

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

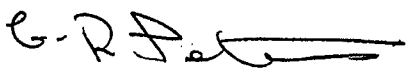
**END OF ANNEX**

# **AUSTRALIAN PATENT OFFICE**

## **WRITTEN OPINION**

		Date of mailing <i>day/month/year</i> <b>14 FEB 2006</b>	
Applicant's or agent's file reference <b>KNOB/20501892/KC/NEN</b>		<b>REPLY DUE within FIVE MONTHS of the date of the Registrar's letter enclosing the written opinion</b>	
Application No. <b>SG 200506106-4</b>	Application Filing Date ( <i>day/month/year</i> ) <b>23 March 2004</b>	Priority Date ( <i>day/month/year</i> ) <b>25 March 2003</b>	
International Patent Classification (IPC) (as indicated in the search report) Int. Cl. <b>A61K 36/28 (2006.01)      A61P 17/00 (2006.01)</b> <b>A61K 8/49 (2006.01)      A61Q 19/08 (2006.01)</b> Action Date: 08 February 2006			
Applicant <b>Fanc1 Corporation (JP)</b>			

- This first written opinion consists of a total of 4 sheets.
- This opinion contains indications relating to the following items:
  - ☒ Basis of the opinion
  - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Lack of unity of invention
  - ☒ Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Certain documents cited
  - ☐ Certain defects in the application
  - ☒ Certain observations on the application
- This opinion is based upon the assumption that the priority claim is valid.
- The search report used was issued by the **Australian Office**, and the date of completion is: **8 February 2006**
- If no reply is filed, the examination report will be established on the basis of this opinion.
- The date by which the examination report will be established is: **25 June 2007**

Name and mailing address <b>AUSTRALIAN PATENT OFFICE</b> <b>PO BOX 200, WODEN ACT 2606, AUSTRALIA</b> E-mail address: <b>pct@ipaustalia.gov.au</b> Facsimile no. <b>61 2 62853929</b>	Authorized Officer  <b>GEOFFREY PETERS</b>
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**I. Basis of the opinion**

1. This opinion has been drawn on the basis of:

- ☒ the application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the request,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , filed with the request,  
pages , received on with the letter of
- ☐ the drawings, sheets/fig. , as originally filed,  
sheets/fig. , filed with the request,  
sheets/fig. , received on with the letters of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

2. The amendments have resulted in the cancellation of: pages:  
sheets of drawings/figures No :

3 ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box.

4. Additional observations, if necessary:

**IV. Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	YES
	Claims 1-7	NO
Inventive step (IS)	Claims	YES
	Claims 1-7	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims	NO

**2. Citations and explanations**Novelty (N) and Inventive Step (IS) claims 1-7

Citations: (1) EP 300282

(2) JP 2004-091397

Both of citations 1 and 2 disclose compositions containing silymarin, both compositions are for topical use on the skin. Both citations also disclose that the compositions can be used to counteract skin degenerative and aging phenomena, that is promote the production of collagen or elastin in the skin or at least slow their degeneration.

Claims 1-7 are not novel and lack an inventive step when compared to citation 1. This would also be the case with citation 2, except that this document was published 2 days after the present filing date.

**VII. Certain observations on the application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- ☒ The claimed invention is patentable according to Section 13(2); or
- ☐ The claimed invention is unpatentable according to Section 13(2) because: